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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,831	03/31/2004	Dan Zhang	CS23995RL	6501

20280 7590 04/06/2007		EXAMINER	
MOTOROLA INC		HERRERA, DIEGO D	
600 NORTH US HIGHWAY 45			
ROOM AS437		ART UNIT	PAPER NUMBER
LIBERTYVILLE, IL 60048-5343		2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/814,831	ZHANG ET AL.
	Examiner	Art Unit	
	Diego Herrera	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 October 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
                                                       Paper No(s)/Mail Date. _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)   5) ☐ Notice of Informal Patent Application
     Paper No(s)/Mail Date _____ .   6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/31/2004 was filed.

The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et

al. (US publication 2003/0232629 A1), and in view of Kuusinen et al. (EP 1161036 A1).

Regarding claim 1. Jang et al. discloses a method in a wireless communications device

(abstract, title, paragraph [0002], [0005], [0010], Jang et al. teaches communication

device), the method comprising:

pre-empting an active packet session with an event (paragraph [0010],

Jang et al. teaches cessation of data packet session with an event occurring);

However, Jang et al. does not discloses specifically suspending operation of

a dormancy timer initiated upon pre-emption of the active packet session; nonetheless,

Kuusinen et al. teaches suspending operation of a dormancy timer initiated upon pre-

emption of the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012],

[0015], Kuusinen et al. teaches the ability to stop data packet to event that has

occurred).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to specifically include suspending operation of a

dormancy timer initiated upon pre-emption of the active packet session, as taught by

Kuusinen et al. for the purposes of not losing data pending completion of

transmit/receive mode.

However, Jang et al. does not disclose specifically re-starting the

suspended dormancy timer upon completion of one of a service or application

associated with the event pre-empting the active packet session; nonetheless,

Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of

one of a service or application associated with the event pre-empting the active

packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al.

teaches restarting timer upon completion of voice call, hence, data will restart

completion of process of transmission of data).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to specifically include re-starting the suspended

dormancy timer upon completion of one of a service or application associated with

the event pre-empting the active packet session, as taught by Kuusinen et al. for the

purpose to finishing transmit/receive data.

Regarding claim 7. Jang et al. discloses a method in a wireless communications

device, the method comprising:

pre-empting an active packet session with an event (paragraph [0010],

Jang et al. teaches cessation of data packet session with an event occurring);

However, Jang et al. does not discloses specifically suspending operation of a

dormancy timer initiated upon pre-emption of the active packet session; nonetheless,

Kuusinen et al. teaches suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches the ability to stop data packet to event that has occurred).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include suspending operation of a dormancy timer initiated upon pre-emption of the active packet session, as taught by Kuusinen et al. for the purposes of not losing data pending completion of transmit/receive mode.

However, Jang et al. does not disclose specifically re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session; nonetheless, Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches restarting timer upon completion of voice call, hence, data will restart completion of process of transmission of data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session, as taught by Kuusinen et al. for the purpose to finishing transmit/receive data.

Regarding claim 13. Jang et al. disclose a method in a wireless communications device,

the method comprising:

   However, Jang et al. does not discloses specifically suspending operation

of a dormancy timer initiated upon pre-emption of the active packet session;

nonetheless, Kuusinen et al. teaches suspending operation of a dormancy timer

initiated upon pre-emption of the active packet session (paragraph [0001]-

[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches the ability to stop

data packet to event that has occurred).

   Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to specifically include suspending operation of a

dormancy timer initiated upon pre-emption of the active packet session, as taught by

Kuusinen et al. for the purposes of not losing data pending completion of

transmit/receive mode.

   However, Jang et al. does not disclose specifically re-starting the

suspended dormancy timer upon completion of one of a service or application

associated with the event pre-empting the active packet session; nonetheless,

Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of

one of a service or application associated with the event pre-empting the active

packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al.

teaches restarting timer upon completion of voice call, hence, data will restart

completion of process of transmission of data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session, as taught by Kuusinen et al. for the purpose to finishing transmit/receive data.

2. The method of Claim 1, the combination of Jang et al. and Kuusinen et al. discloses resuming the pre-empted packet session upon expiration of the dormancy timer after re-starting the dormancy timer (paragraph [0015]-[0016], Kuusinen et al. teaches restarting timer several times during other action).

3. The method of Claim 1, the combination of Jang et al. and Kuusinen et al. discloses receiving a network control message with dormancy timer information before suspending the dormancy timer (paragraph [0001]-[0003],[0010]-[0012], Kuusinen et al. teaches page from system about receiving information suspending timer, paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

4. The method of Claim 3, the combination of Jang et al. and Kuusinen et al. discloses starting the dormancy timer after receiving the network control

message (paragraph [0008]-[0009], [0011]-[0012], [0026], [0028], [0035], Kuusinen et

al. teaches starting and restarting of timer).

5. The method of Claim 1, the combination of Jang et al. and Kuusinen

et al. discloses pre-empting the active packet session with a pending voice call (title,

abstract, paragraph [0010], [0013], Jang et al teaches pre-empting the active packet

session with a pending voice call);

re-starting the suspended dormancy timer upon completion of the voice

call associated with pre-empting the packet session (paragraph [0015]-[0016] teaches

receives information about call ending hence restarting packet switched operation

suspending the timer).

6. The method of Claim 5, the combination of Jang et al. and

Kuusinen et al. discloses receiving a page (paragraph [0010]-[0012], Kuusinen et al.

teaches receiving page from system about voice call), conducting the voice call after

receiving the page (abstract, paragraph [0011], Kuusinen et al. allows voice call to

start).

8. The method of Claim 7, the combination of Jang et al. and

Kuusinen et al. discloses resuming the pre-empted packet session upon expiration of

the dormancy timer initiated upon completion of the service or application associated

with the event pre-empting the active packet session (paragraph [0015]-[0016] teaches

receives information about call ending hence restarting packet switched operation

suspending the timer).

9. The method of Claim 7, the combination of Jang et al. and

Kuusinen et al. discloses receiving a network control message with dormancy

timer information before suspending the dormancy timer (paragraph [0001]-

[0003],[0010]-[0012], Kuusinen et al. teaches page from system about receiving

information suspending timer, paragraph [0015]-[0016] teaches receives information

about call ending hence restarting packet switched operation suspending the timer).

10. The method of Claim 9, the combination of Jang et al. and

Kuusinen et al. discloses starting the dormancy timer after receiving the network

control message (paragraph [0008]-[0009], [0011]-[0012], [0026], [0028], [0035],

Kuusinen et al. teaches starting and restarting of timer).

11. The method of Claim 7, the combination of Jang et al. and

Kuusinen et al. discloses pre-empting the active packet session with a pending voice

call (title, abstract, paragraph [0010], [0013], Jang et al teaches pre-empting the active

packet session with a pending voice call);

re-starting the suspended dormancy timer upon completion

of the voice call associated with pre-empting the packet session (paragraph [0015]-

[0016] teaches receives information about call ending hence restarting packet switched

operation suspending the timer).

12. The method of Claim 11, the combination of Jang et al. and

Kuusinen et al. discloses receiving a page (paragraph [0010]-[0012], Kuusinen et al.

teaches receiving page from system about voice call), conducting the voice call after

receiving the page (abstract, paragraph [0011], Kuusinen et al. allows voice call to

start).

14. The method of Claim 13, the combination of Jang et al. and Kuusinen

et al. discloses receiving a network control message,

suspending the active packet session of the wireless

communication device in response to receiving the network control message (title,

abstract, paragraph [0005], [0010], [0013], Jang et al. teaches suspending data and

taking voice call).

15. The method of Claim 13, the combination of Jang et al. and Kuusinen

et al. discloses,

receiving a page after receiving the network control message conducting a voice

call after receiving the page (paragraph [0010]-[0012], Kuusinen et al. teaches receiving

page from system about voice call), and

resuming the suspended dormancy timer after completing the voice call

(paragraph [0015]-[0016] teaches receives information about call ending hence

restarting packet switched operation suspending the timer).

16. The method of Claim 13, the combination of Jang et al. and

Kuusinen et al. discloses suspending the dormancy timer includes suspending

initiation of the dormancy timer otherwise started upon suspending the active

packet session (paragraph [0011]-[0012], [0026], [0028], [0035], Kuusinen et al.

teaches starting and restarting of timer suspending packets from IP network).

17.   The method of Claim 13, the combination of Jang et al. and

Kuusinen et al. discloses suspending the dormancy timer includes suspending

operation of a dormancy timer after the dormancy timer has stared (col. 6 lines: 9—col.7

lines: 51, Kuusinen et al. teaches system of the inactive timer during voice call and

reestablishing packet data session to the IP network).

18. The method of Claim 13, the combination of Jang et al. and Kuusinen

et al. discloses starting the dormancy timer upon completion of an event precipitating

the suspension of the active packet session (paragraph [0011]-[0012], [0026], [0028],

[0035], Kuusinen et al. teaches starting and restarting of timer suspending packets from

IP network).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diego Herrera whose telephone number is (571) 272-

0907. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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DH

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SUPERVISORY PRIMARY EXAMINER